



**CITY OF SUNNYVALE
REPORT
Planning Commission**

October 25, 2004

SUBJECT: **2004-0718 - AT&T Wireless** [Applicant] **Mathilda Operating Co Llc** [Owner]: Application on a 12.7-acre site. The property is located at **1184 North Mathilda Avenue** in an MP-TOD (Moffett Park-Transit Oriented Development) Zoning District. (Negative Declaration) (APN: 110-25-042) SL

Motion **Special Development Permit** to allow the co-location of six antennas (one array) on an existing 81-foot high monopole with associated ground equipment

REPORT IN BRIEF

Existing Site Conditions Research and Development/Office buildings

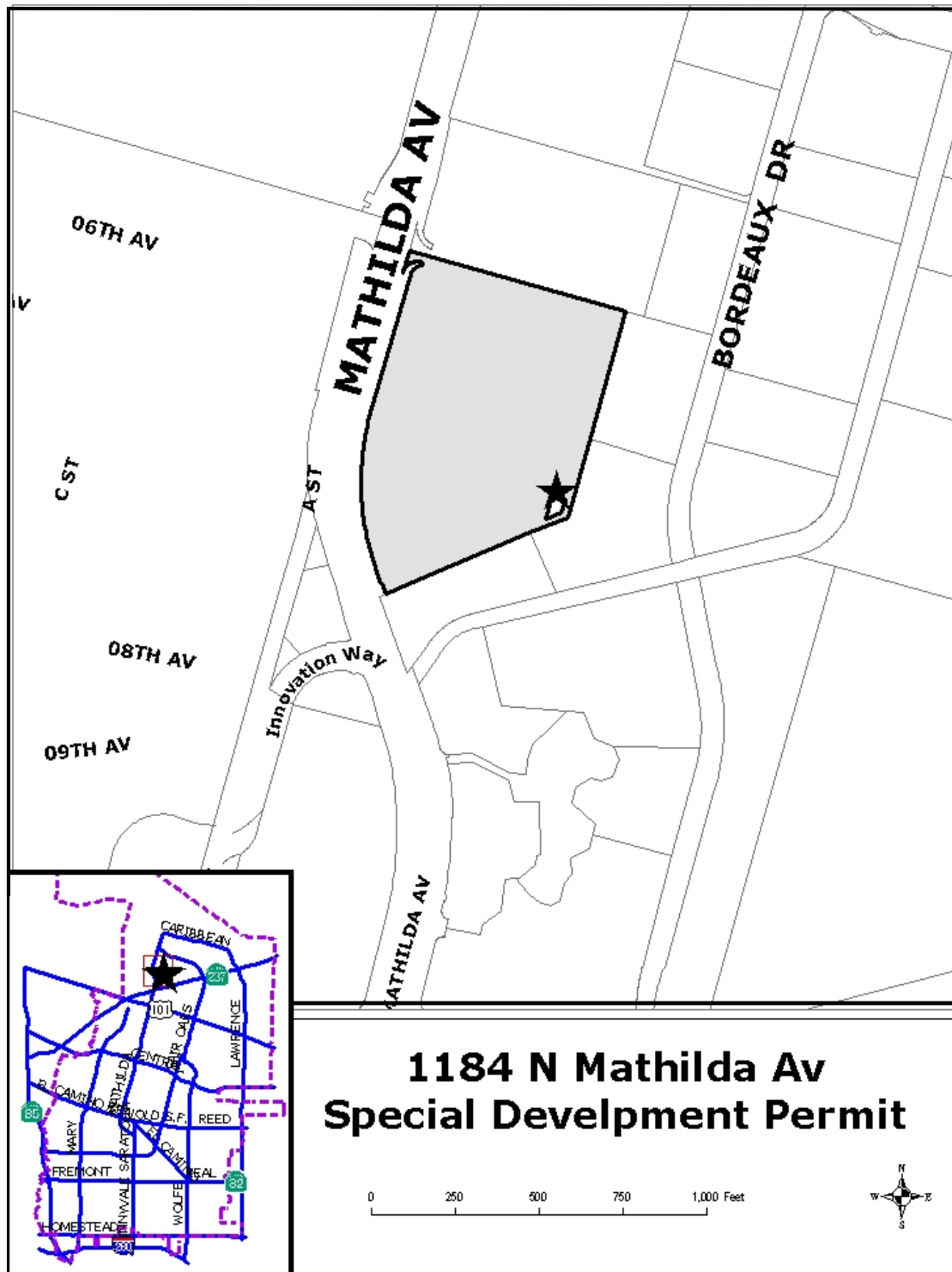
Surrounding Land Uses

North	Industrial
South	Telecommunications Utility Building
East	Industrial
West	Lockheed Martin Industrial Building

Issues Aesthetics

Environmental Status A Negative Declaration has been prepared in compliance with California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with Conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	MP (Moffett Park Specific Plan)	Same	MP
Zoning District	MP TOD	Same	MP TOD
Lot Size (sf)	551,034 sf	Same	22,500 sf min
Gross Floor Area (sf)	110,928 sf	Same	N/A
Height of Existing Antenna Pole	81'	Same	By Use Permit
Antenna Setbacks			
• Front	Approx. 600'	Same	N/A
• Left Side	Approx. 590'	Same	N/A
• Right Side	11'	Same	N/A
• Rear	11'	Same	N/A
Landscaping			
Total Landscaping (sf)	139,423 sf	139,193 sf	110,207 sf
Parking			
Total no. of Parking Spaces	933	933	533 min

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2002-0204	Miscellaneous Plan Permit to allow installation of temporary antenna test tower.	Staff level Approved	4/9/02
2002-0190	Co-location of two telecommunication facilities on existing monopole	Planning Commission Approved	4/22/02
1998-1288	Use Permit to allow 50% FAR with construction of two new buildings.	City Council Approved	3/9/99

File Number	Brief Description	Hearing/Decision	Date
1993-0461	Design Permit to allow installation of 81 ft. monopole.	Administrative Hearing Approved	11/24/93

Description of Proposed Project

The proposed project adds one additional telecommunications provider to an existing monopole. The proposal includes six antennas mounted on a single four-foot wide array (see Attachment D). The monopole currently has two other existing telecommunication providers with antenna arrays of 20-feet and 10-feet wide. These carriers have nine cell panels on each, totaling 18 existing cell panels. The applicant is proposing to locate the new panels below the existing arrays at the 60-foot level.

Associated equipment will be placed at the bottom of the facility in an existing equipment enclosure. This enclosure is not proposed to be expanded.

Environmental Review

A Negative Declaration has been prepared in compliance with the California Environmental Quality Act provisions and City Guidelines. An Initial Study has determined that the proposed project would not create any significant environmental impacts (see Attachment C).

Special Development Permit

Use: This telecommunications facility would provide improved wireless service in the area for AT&T Wireless. The use is common in the City and meets the requirements of the Federal Communications Commission for radio frequency emissions.

Because there are existing telecommunications facilities on-site, additional facilities are classified as a co-location. Sunnyvale Municipal Code Section 19.54.080 states that in the MP-TOD Zoning District, co-location of three or more facilities on an existing monopole must be approved through a major Use Permit process with review by the Planning Commission.

Site Layout: The property is adjacent to Mathilda Avenue, with two four-story office buildings (Juniper Networks) facing the street and parking at the rear. The existing monopole is located at the rear of the site over 600 feet from Mathilda Avenue. The monopole and array are visible from the street (see Attachment D, Photo Simulations).

Design: The monopole and antennas are all painted white at this time. The applicant has submitted a photo simulation showing the lower portion of the pole painted a dark green color to help it blend with the existing trees (see Attachment D, Photo Simulations). The existing stand of trees surrounds the monopole and equipment enclosure area. Staff recommends the pole remain entirely one color; either white or dark green. Condition of Approval #6 states that the pole shall be painted all one color and all existing telecommunications equipment shall be painted to match at the time of their 5-year permit review.

Ground Equipment and Landscaping: The antennas will be connected to equipment cabinets located on the ground level and within an existing equipment enclosure area surrounded by a 6-foot high masonry wall. This equipment enclosure houses the ground equipment for the two existing carriers on the monopole. No landscaping will be removed as part of this project.

Parking/Circulation: No parking is proposed to be removed as a result of this application.

Compliance with Development Standards

The following sections of the Wireless Telecommunication Ordinances of the Sunnyvale Municipal Code apply to the proposed project:

19.54.140(a) – Wherever technically feasible, wireless telecommunication service providers are encouraged to co-locate telecommunication facilities in order to reduce adverse visual impacts; however, the city discourages the development of “antenna farms” or the clustering of multiple antennas on a single monopole, tower or other elevation, unless the site is determined to be suitable based on the following factors:

(1) Compliance with all FCC RF emission standards;

- *This project meets all FCC RF emissions standards.*

(2) Visibility from residentially zoned property;

- *This project is not visible from residentially zoned properties.*

(3) Visibility from El Camino Real or the right of way of a freeway, expressway or other major arterial street;

- *This project is not visible from the above listed corridors.*

(4) Visibility from the Downtown Specific Plan area or other areas declared by

the Director of Community Development to be visually sensitive; and

- *This project is not visible from the Downtown Specific Plan area or other areas identified in the Telecommunications code as being sensitive.*

(5) Lack of aesthetically preferable feasible alternatives.

- *The project makes use of an existing monopole. Using the exiting monopole is the most aesthetically preferable option for this site. Staff believes the construction of a new monopole at this site or in the immediate vicinity is less desirable.*

Expected Impact on the Surroundings

Staff believes there will be a slight visual impact to the adjacent buildings along Bordeaux Drive, but it will be less than significant since the new antennas will be placed under the existing antennas on the pole. In addition, the pole will be painted to reduce the existing visual impact.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Special Development Permit.

- Recommended Findings are located in Attachment A.
- Recommended Conditions of Approval are located in Attachment B.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• <u>28</u> mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and approve the Special Development Permit with attached conditions.
2. Adopt the Negative Declaration and approve the Special Development Permit with modified conditions.
3. Adopt the Negative Declaration and deny the Special Development Permit.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Alternative #1.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Negative Declaration
- D. Site Plans and Photo Simulations

Recommended Findings – Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale. The following statements apply to the project proposal:

Telecommunications Policy

Action Statement A.1.e- Support retention of local zoning authority for cellular towers, satellite dish antennas, and other telecommunications equipment, facilities and structures.

The Zoning Code requires that the location of telecommunication facilities be designed with sensitivity to the surrounding areas. The proposed antennas will be attached to an existing monopole and the visual impact on surrounding properties will be minimal.

Land Use and Transportation Sub-Element

N1.3. Promote an attractive and functional commercial environment.

N1.5 Establish and monitor standards for community appearance and property maintenance.

The project proposal uses existing infrastructure to add additional telecommunications service in the City. The location of the pole and the design of the proposed antennas mitigate visual impacts in order to maintain community appearance. The addition of this antenna facility provides for managed development of wireless telecommunications infrastructure, which is a goal of the Telecommunications Ordinance.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District as the proposed telecommunication facility is located on an existing pole and will not create a significant visual impact from Mathilda Avenue. The proposed project meets the visual standards established by the City for telecommunication facilities as it is designed to create the least possible aesthetic impact while using existing infrastructure.

Recommended Conditions of Approval - Special Development

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Planning Conditions:

1. Obtain Building Permits prior to construction/installation activity.
2. Any major modification or expansion of the approved use shall be approved at a separate public hearing by the Planning Commission. Minor modifications shall be approved by the Director of Community Development.
3. The Special Development Permit for the use shall expire if the use is discontinued for a period of one year or more.
4. This Special Development Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
5. The proposed antennas shall match the color of the existing monopole.
6. The applicant shall paint the pole one color. All existing telecommunications equipment shall be painted to match at the time of their 5-year permit review.

Standard Requirements for Telecommunications Facilities

7. Every owner or operator of a wireless telecommunication facility shall renew the facility permit at least five (5) years from the date of initial approval.
8. Any major modifications or expansion of the approved use shall be approved at a separate public hearing by the Director of Community Development. Minor modifications shall be approved by the Director of Community Development.
9. Each facility must comply with any and all applicable regulations and standards promulgated or imposed by any state or federal agency, including but not limited to, the Federal Communication Commission and Federal Aviation Administration.
10. Certification must be provided that the proposed facility will at all times comply with all applicable health requirements and standards pertaining to RF emissions.
11. The owner or operator of any facility shall obtain and maintain at all times a current business license issued by the city.
12. The owner or operator of any facility shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. Applicant shall notify city of any changes to the information

submitted within thirty (30) days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to the following:

- a) Identity, including name, address and telephone number, and legal status of the owner of the facility including official identification numbers an FCC certification, and if different from the owner, the identity and legal status of the person or entity responsible for operating the facility.
 - b) Name, address and telephone number of a local contact person for emergencies.
 - c) Type of service provided.
13. All facilities and related equipment, including lighting, fences, shields, cabinets, and poles, shall be maintained in good repair, free from trash, debris, litter and graffiti and other forms of vandalism, and any damage from any cause shall be repaired as soon as reasonably possible so as to minimize occurrences of dangerous conditions or visual blight. Graffiti shall be removed from any facility or equipment as soon as practicable, and in no instance more than forty-eight (48) hours from the time of notification by the city.
 14. Each facility shall be operated in such a manner so as to minimize any possible disruption caused by noise. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 10:00 p.m. and 7:00 a.m. on weekend nights. At no time shall equipment noise from any source exceed an exterior noise level of 60 dB at the property line.
 15. Each owner or operator of a facility shall routinely and regularly inspect each site to ensure compliance with the standards set forth in the Telecommunications Ordinance.
 16. The wireless telecommunication facility provider shall defend, indemnify, and hold harmless the city of any of its boards, commissions, agents, officers, and employees from any claim, action or proceeding against the city, its boards, commission, agents, officers, or employees to attack, set aside, void, or annul, the approval of the project when such claim or action is brought within the time period provided for in applicable state and/or local statutes. The city shall promptly notify the provider(s) of any such claim, action or proceeding. The city shall have the option of coordination in the defense. Nothing contained in this stipulation shall prohibit the city from participating in a defense of any claim, action, or proceeding if the city bears its own attorney's fees and costs, and the city defends the action in good faith.
 17. Facility lessors shall be strictly liable for any and all sudden and accidental pollution and gradual pollution resulting from their use within the city. This liability shall include cleanup, intentional injury or damage to persons or property. Additionally, lessors shall be responsible for any sanctions, fines, or other monetary costs imposed as a result of the release

of pollutants from their operations. Pollutants mean any solid, liquid, fumes, acids, alkalis, chemicals, electromagnetic waves and waste. Waste includes materials to be recycled, reconditioned or reclaimed.

18. Wireless telecommunication facility operators shall be strictly liable for interference caused by their facilities with city communication systems. The operator shall be responsible for all labor and equipment costs for determining the source of the interference, all costs associated with eliminating the interference, (including but not limited to filtering, installing cavities, installing directional antennas, powering down systems, and engineering analysis), and all costs arising from third party claims against the city attributable to the interference.
19. No wireless telecommunication facility shall be sited or operated in such a manner that it poses, either by itself or in combination with other such facilities, a potential threat to public health. To that end no facility or combination of facilities shall produce at any time power densities in any inhabited area that exceed the FCC's Maximum Permissible Exposure (MPE) limits for electric and magnetic field strength and power density for transmitters or any more restrictive standard subsequently adopted or promulgated by the city, county, the state of California, or the federal government.